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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 **IN RE GOOGLE PLAY STORE**
16 **ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

17 THIS DOCUMENT RELATES TO:

18 *State of Utah et al. v. Google LLC et al.*,
19 Case No. 3:21-cv-05227-JD

20 *In re Google Play Consumer Antitrust*
21 *Litigation*, Case No. 3:20-cv-05761-JD

**STATES' UNOPPOSED
ADMINISTRATIVE MOTION FOR AN
EXTENSION OF TIME TO FILE
SUPPLEMENTAL BRIEFING AND
FOR AN ORDER DIRECTING
GOOGLE TO DEPOSIT
SETTLEMENT FUNDS INTO
ESCROW**

Judge: Hon. James Donato

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28 Case Nos. 3:21-md-02981-JD;
3:21-cv-05227-JD; 3:20-cv-05761-JD

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ADMINISTRATIVE MOTION

Plaintiffs in *State of Utah et al. v. Google LLC et al.*, Case No. 3:21-cv-05227-JD (“States”) respectfully request from the Court (i) a three-week extension to the filing date for the supplemental briefing requested in the Court’s February 26, 2024 minute order, No. 21-cv-5227, ECF No. 543, and (ii) an order directing Google to deposit Settlement Funds into escrow pending the Court’s decision regarding notice dissemination.

Defendants Alphabet Inc., Google LLC, Google Ireland Limited, Google Commerce Limited, Google Asia Pacific Pte. Limited, and Google Payment Corp. (“Google”) and counsel for the class this Court had originally certified in *In re Google Play Consumer Antitrust Litigation*, Case No. 3:20-cv-05761- JD (“Consumer Counsel”) consent to this motion.

I. Extension to the Filing Date for the Supplemental Briefing

1. The States filed an Unopposed Motion to Give Notice of Proposed *Parens Patriae* Settlement on December 18, 2023. No. 21-cv-5227, ECF No. 522.
2. The Court subsequently heard that motion on February 26, 2024. No. 21-cv-5227, ECF No. 543.
3. Following that hearing, the Court directed Google and the States to file supplemental briefs addressing particular topics including, *inter alia*, the “average monetary relief to be distributed to the eligible consumers, and more details about the expected distribution of the monetary relief in general.” *See id.*
4. This supplemental briefing will require statistical analysis of all Eligible Consumer purchases made on the Google Play Store between August 16, 2016 and September 30, 2023 and necessitated Google refreshing its transactional data production to include data through September 30, 2023. There are approximately 21 billion of these transactions stored in 15 terabytes of data.
5. The analysis of this volume of data has begun but will take a significant amount of time, labor, and resources.

6. In addition, the transactional data that the States had previously received from Google has been in cold storage for the past eleven months in order to minimize the costs associated with storing and maintaining that data. Moving that data out of cold storage and onto a platform where the necessary data analysis can be performed will take roughly two weeks.
7. In light of the time it will take to process the data and make it accessible, as well as to analyze the data so as to answer the Court’s inquiries, the States request an extension of time on the supplemental briefing ordered by the Court. In particular, the States request that the Court extend the due date for the supplemental briefing by three weeks, so that the briefing is due on April 17, 2024.

II. Order Directing Google to Deposit Funds into Escrow

8. The Settlement Agreement¹ signed by the States, Google, and Consumer Counsel (collectively, the “Settling Parties”) currently states that Google will:
 - a. deposit \$1 million into the Settlement Fund Escrow Account within 15 days of the Court’s approval of the States’ Motion to Give Notice,
 - b. deposit an additional \$629 million into the Settlement Fund Escrow Account within 45 days of the Court’s approval of the States’ Motion to Give Notice, and
 - c. deposit \$70 million into the States’ Monetary Fund Escrow Account within 45 days of the Court’s approval of the States’ Motion to Give Notice.
- No. 21-cv-5227, ECF No. 522-2 at 13-16.
9. The Settlement Agreement specifies that money in the Settlement Fund Escrow Account and in the States’ Monetary Fund Escrow Account is “considered to be in *custodial legis* of the Court.” *Id.* at 15, 17-18. If the Court approves the Settlement, the funds in the

¹ The Settlement Agreement was attached as Exhibit A to the Declaration of Paula L. Blizzard in support of the Motion to Give Notice of Proposed *Parens Patriae* Settlement filed on December 18, 2023. No. 21-cv-5227, ECF No. 522-2. Capitalized terms in this Administrative Motion and attached Stipulated [Proposed] Order have the meanings ascribed to them in the Settlement Agreement.

Settlement Fund Escrow Account—including any accrued interest—will be distributed to Eligible Consumers according to a Court-approved Distribution Plan. If the Court does not approve the Settlement, the funds in the Settlement Fund Escrow Account and in the States’ Monetary Fund Escrow Account—including any accrued interest—will be refunded to Google. *Id.*

10. If the Court eventually approves the Settlement, the States and Eligible Consumers would collectively receive an extra \$100,000 in interest for each day that the Settlement Fund and States’ Monetary Fund are in escrow.² If the Court does not approve the Settlement, funds in escrow including interest will be refunded to Google. However, until Google deposits funds into escrow, no interest will accrue.

11. To allow the States and Eligible Consumers to accrue interest on the Settlement Fund and States’ Monetary Fund while the Settlement awaits Court approval, the Settling Parties have agreed to amend the Settlement Agreement, so that Google will now:

- a. deposit \$1 million into the Settlement Fund Escrow Account within 15 days of the issuance of a stipulated order directing Google to deposit funds into escrow,
- b. deposit an additional \$629 million into the Settlement Fund Escrow Account within 45 days of the issuance of a stipulated order directing Google to deposit funds into escrow, and
- c. deposit \$70 million into the States’ Monetary Fund Escrow Account within 45 days of the issuance of a stipulated order directing Google to deposit funds into escrow.

12. The Settling Parties believe that, for accounting and tax reasons, including to effectuate the provision in the Settlement Agreement that the “funds in the Settlement Fund Escrow Account [and the States’ Monetary Fund] shall be deemed a ‘qualified settlement fund’

² The most recent U.S. Treasury T-Bill interest rates are over 5.3% per year, or 0.0145% per day. *See Announcements, Data & Results*, Treasury Direct, United States Treasury, available at <https://www.treasurydirect.gov/auctions/announcements-data-results/> (last accessed Mar. 6, 2024). Using that rate, the daily accrual of interest is \$101,500 across the entire \$700 million settlement amount).

1 within the meaning of Treasury Regulation § 1.468B-1 et seq.,” *id.* at 14, 17, the Court
2 would need to enter an order directing Google to deposit the Settlement Funds and States’
3 Monetary Funds into escrow in accordance with the new schedule above.

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5 DATED: March 15, 2024

6 Respectfully submitted,

7 **OFFICE OF THE CALIFORNIA**
8 **ATTORNEY GENERAL**

9 By: /s/ Paula L. Blizzard
10 Paula L. Blizzard

11 *Counsel for the Plaintiff States*
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E-FILING ATTESTATION

I, Brian Wang, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each signatory identified above has concurred in this filing.

/s/ Brian Wang